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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DARYL ANTHONY HICKS,

12 Plaintiff,

13 v.

14 PATRICK COVELLO, et al.,

15 Defendants.  
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No. 2:20-cv-2080 WBS KJN P

ORDER REFERRING CASE TO POST-  
SCREENING ADR PROJECT AND  
STAYING CASE FOR 120 DAYS

17 Plaintiff is a state prisoner, proceeding without counsel. On July 7, 2021, defendants  
18 Lomas, Pendleton, and Tsui were dismissed, and plaintiff's property claims against defendant  
19 Miller were dismissed. (ECF No. 25.) This action proceeds solely as to plaintiff's claim that  
20 defendant Miller was deliberately indifferent to plaintiff's safety in violation of the Eighth  
21 Amendment. (ECF Nos. 17 (Second Amended Complaint); 18 at 1.) Defendant Miller waived  
22 service of process. (ECF No. 23.)

23 The undersigned is referring all post-screening civil rights cases filed by pro se inmates to  
24 the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such  
25 cases more expeditiously and less expensively. Defense counsel from the Office of the California  
26 Attorney General has agreed to participate in this pilot project. No defenses or objections shall be  
27 waived by their participation.

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1 As set forth in the screening order, plaintiff has stated a potentially cognizable civil rights  
2 claim. Thus, the court stays this action for a period of 120 days to allow the parties to investigate  
3 plaintiff's claims, meet and confer, and then participate in a settlement conference.

4 There is a presumption that all post-screening civil rights cases assigned to the  
5 undersigned will proceed to settlement conference.<sup>1</sup> However, if after investigating plaintiff's  
6 claims and speaking with plaintiff, and after conferring with defense counsel's supervisor,  
7 defense counsel in good faith finds that a settlement conference would be a waste of resources,  
8 defense counsel may move to opt out of this pilot project.

9 Within thirty days, the assigned Deputy Attorney General shall contact the Courtroom  
10 Deputy, Alexandra Waldrop, at (916) 930-4187, to schedule the settlement conference. If  
11 difficulties arise in scheduling the settlement conference due to the court's calendar, the parties  
12 may seek an extension of the initial 120 day stay.

13 Once the settlement conference is scheduled, at least seven days prior to conference, the  
14 parties shall submit to the assigned settlement judge a confidential settlement conference  
15 statement. The parties' confidential settlement conference statement shall include the following:  
16 (a) names and locations of the parties; (b) a short statement of the facts and alleged damages; (c) a  
17 short procedural history; (d) an analysis of the risk of liability, including a discussion of the  
18 efforts made to investigate the allegations; and (e) a discussion of the efforts that have been made  
19 to settle the case.

20 In accordance with the above, IT IS HEREBY ORDERED that:

21 1. This action is stayed for 120 days to allow the parties an opportunity to settle their  
22 dispute before a responsive pleading is filed, or the discovery process begins. Except as provided  
23 herein or by subsequent court order, no other pleadings or other documents may be filed in this  
24 case during the stay of this action. The parties shall not engage in formal discovery, but the  
25 parties may elect to engage in informal discovery.

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27 <sup>1</sup> If the case does not settle, the court will set a date for the filing of a responsive pleading at the  
28 conference.

1           2. Within thirty days from the date of this order, the assigned Deputy Attorney General  
2 shall contact this court's Courtroom Deputy, Alexandra Waldrop, at (916) 930-4187, to schedule  
3 the settlement conference.


4           3. At least seven days prior to the settlement conference, each party shall submit a  
5 confidential settlement conference statement, as described above, to the judge assigned for  
6 settlement.

7           4. If a settlement is reached at any point during the stay of this action, the parties shall file  
8 a Notice of Settlement in accordance with Local Rule 160.

9           5. The parties remain obligated to keep the court informed of their current address at all  
10 times during the stay and while the action is pending. Any change of address must be reported  
11 promptly to the court in a separate document captioned for this case and entitled "Notice of  
12 Change of Address." See L.R. 182(f).

13 Dated: July 9, 2021

14  
15 /hick2080.adr.post.waiver

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE